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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Group Art Unit: 2157
: Examiner A. M. Gold
Anand N. Babu et al. : Intellectual Property
Serial No: 09/773,193 : Law Department - 4054
Filed: January 31, 2001 : International Business
Title: SYSTEM AND METHOD : Machines Corporation
FOR HANDLING LOCATION : 11400 Burnet Road
INFORMATION : Austin, Texas 78758
Date: _____ : Customer No. 32,329

CERTIFICATE OF MAILING

I hereby certify that this correspondence including a
Amended Brief on Appeal (in triplicate), and this
transmittal letter (duplicate) is being deposited with the
United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, P.O. Box
1450 Alexandria, VA 22313-1450 on 4/27/06.

V. B. KRAFT

Signature

Date

JOE J 4/27/06

TRANSMITTAL OF APPELLANTS' AMENDED BRIEF UNDER 37 CFR
1.192(a)

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09/773,193

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

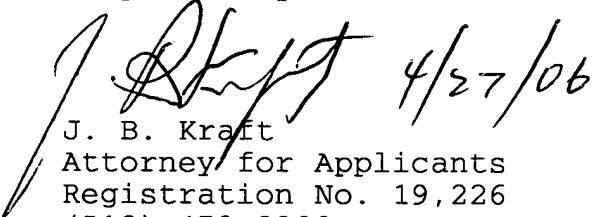
Sir:

Attached is Appellants' Amended Brief (in triplicate) in this Appeal from a decision of the Examiner dated August 11, 2005 finally rejecting claims 1-36, responsive to the Non-Compliance Notice mailed April 4, 2006.

Please charge our Deposit Account No. 09-0447 in the amount of \$500.00 for the Appeal Brief fee. (a duplicate of this transmittal is included.)

The Commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

 4/27/06
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AMENDED BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This Brief on Appeal is Amended to correct non-compliant inconformities as required in the Notice mailed April 4, 2006

This is an Appeal from the Final Rejection of Claims 1-36 of this Application dated August 11, 2005. Section VIII. Appendix containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

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II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 36 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: 1-36.
4. Claims allowed: None.
5. Claims rejected: 1-36.

C. CLAIMS ON APPEAL

Claims on appeal: 1-36.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

The present invention tracks a mobile user based upon location data obtained from multiple location sources which may accompany the moving user. Such location sources are defined in the present specification (P. 4, lines 39-44) by examples: mobile telephones, personal digital assistants, pagers, global positioning devices, and monitored user calendars giving user's expected locations at certain times. Location data is defined in the same section as data from location sources defining essentially the X,Y position of the user. The items of location data in the collection are ranked according to expected utility (described in the present specification page 7, line 36 to page 8, line 2). For example, location data from a location source which is capable of a more precise measurement is given priority over a less precise location source or a location source which has more recently moved is given a higher priority than the others.

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The independent claims cover aspects of this invention as follows:

1. A method for handling location information, said method comprising:

acquiring location data regarding a user from a plurality of location sources; (Location aggregator 20 from sources 101-103 described on page 7, lines 12-16 referring to Fig. 3)

creating a collection of said location data regarding said user; (Location aggregator 20 creates collections of location data regarding user described on page 7, lines 12-16 referring to Fig. 3)

ranking items in said collection according to expected utility; (page 7, line 36 to page 8 line 2) and

updating said location data continuously. (page 12, lines 35-44 referring to Fig. 6)

13. An information handling system for handling location information, said information handling system comprising:

means for acquiring location data regarding a user from a plurality of location sources; (Location aggregator 20 from sources 101-103 described on page 7, lines 12-16 referring to Fig. 3)

means for creating a collection of said location data regarding said user; (Location aggregator 20 creates collections of location data regarding user described on page 7, lines 12-16 referring to Fig. 3)

means for ranking items in said collection according to expected utility; (page 7, line 36 to page 8 line 2) and

means for updating said location data continuously. (page 12, lines 35-44 referring to Fig. 6)

19. An information handling system for handling location information, said information handling system comprising:

means for ranking items in a collection of location data regarding a user, (Location aggregator 20 creates collections of location data regarding user described on page 7, lines 12-16 referring to Fig. 3) according to expected utility; (page 7, line 36 to page 8 line 2) and

means for updating said location data continuously. (page 12, lines 35-44 referring to Fig. 6)

25. A computer-usable medium having computer-executable instructions, comprising:

means for acquiring location data regarding a user from a plurality of location sources; (Location aggregator 20 from sources 101-103 described on page 7, lines 12-16 referring to Fig. 3)

means for creating a collection of said location data regarding said user; (Location aggregator 20 creates collections of location data regarding user described on page 7, lines 12-16 referring to Fig. 3)

means for ranking items in said collection according to expected utility; (page 7, line 36 to page 8 line 2) and

means for updating said location data continuously. (page 12, lines 35-44 referring to Fig. 6)

31. A computer-usable medium having computer-executable instructions, comprising:

means for ranking items in a collection of location data regarding a user, (Location aggregator 20 creates collections of location data regarding user described on page 7, lines 12-16 referring to Fig. 3) according to expected utility; (page 7, line 36 to page 8 line 2) and

means for updating said location data continuously. (page 12, lines 35-44 referring to Fig. 6)

VI. Grounds of Rejection

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by McCall et al. (US6,738,628)

VII. Argument

The McCall Patent is not an anticipatory reference under 35 USC 102.

The primary reference, McCall is not an anticipatory reference under 35 USC 102. In order to reject under 35 USC 102, the reference must teach every element of the invention without modification. McCall does not do this.

The Examiner's application of the McCall patent does not meet this standard. Even giving McCall its best semantic interpretation, McCall does not disclose means for ranking items in a collection of user location data obtained from multiple location sources according to expected utility.

The present invention tracks a mobile user based upon location data obtained from multiple location sources which may accompany the moving user. Such location sources are defined in the present specification (P. 4, lines 39-44) by examples: mobile telephones, personal digital assistants, pagers, global positioning devices, and monitored user calendars giving user's expected locations at certain times. Location data is defined in the same section as data from location sources defining essentially the X,Y position of the user. Likewise, ranking of the items of location data according to expected utility is thoroughly described in the present specification (Page 7, line 36 to page 8, line 2). For example, location data from a location source which is capable of a more precise measurement is given priority over a less precise location source or a location source which has more recently moved is given a higher priority than the others.

McCall does not disclose such multiple location sources or the ranking of such sources based upon utility. McCall merely describes a grid of beams and the moving user item

which is tracked by the beams crossed by this moving user item.

Despite the clear differences in the operations of the present invention relative to those of McCall as described above, the Examiner appears to be making a semantic argument which regards the grid of multiple crossed beams in McCall as the claimed plurality of location sources. With such an interpretation, where in McCall is there ranking of such location sources based upon utility? There is no such ranking since all that is determined is when a beam has been crossed by the moving user item.

Applicants submit that the teaching of McCall as applied and interpreted by Examiner is too vague and murky to serve as teaching to anticipate the present invention under 35 U.S.C. 102. The reference does not clearly expressly or impliedly teach every element of the present invention without modification.

Examiner's Argument with Reference to the Ranking of Sources According to Expected Utility

Examiner makes the semantic argument that since McCall compares the data transmitted from set of multiple beams tracking an item position to a stored set of transmissions of such beams, then the location data is the set of transmitted beams, and the position comparison is the ranking according to utility. The Examiner contends that the mere comparison of multiple beam transmissions to determine the extent of movement of the tracked item is ranking the beacons according to utility. Clearly, all the comparison of sets of beam transmissions achieves is the location of a single item by one implementation. In McCall, there are no multiple location sources as defined in the present specification (P. 4, lines 39-44) by examples:

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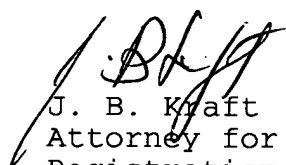
mobile telephones, personal digital assistants, pagers,
global positioning devices, and monitored user calendars
giving user's expected locations at certain times, and it is
even semantically far-fetched to contend that the mere
comparison of beams to determine an item location is the
ranking of such sources according to utility

Conclusion

In view of the foregoing, claims 1-36, are submitted
not to be anticipated by McCall et al under 35 U.S.C. 102(b)
and, thus, are patentable.

Accordingly, the Board of Appeals is respectfully
requested to reverse the Final Rejection and find claims 1-
36 in condition for allowance.

Respectfully submitted,

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1. A method for handling location information, said method comprising acquiring location data regarding a user from a plurality of location sources; creating a collection of said location data regarding said user; ranking items in said collection according to expected utility; and updating said location data continuously.
2. The method of claim 1, further comprising: filtering data in said collection to remove misleading data.
3. The method of claim 1, further comprising: consolidating data in said collection to determine the most likely location of said user.
4. The method of claim 1, wherein: said acquiring further comprises acquiring location data regarding more than one user, organizing by user, and said ranking further comprises ranking items in said collections regarding more than one user, according to expected utility.
5. The method of claim 4, further comprising: filtering data in said collections to remove misleading data.
6. The method of claim 4, further comprising: consolidating data in said collections to determine the most likely locations of said users.
7. A method for handling location information, said method comprising: ranking items in a collection of location data regarding a user, according to expected utility and updating said location data continuously.
8. The method of claim 7, further comprising: filtering data in said collection to remove misleading data.

9. The method of claim 7 further comprising: consolidating data in said collection to determine the most likely location of said user.

10. The method of claim 7, wherein: said ranking further comprises ranking items in collections of location data regarding more than one user, according to expected utility.

11. The method of claim 10, further comprising: filtering data in said collections to remove misleading data.

12. The method of claim 10, further comprising: consolidating data in said collections to determine the most likely locations of said users.

13. An information handling system for handling location information, said information handling system comprising:

Means for acquiring location data regarding a user from a plurality of location sources;

Means for creating a collection of said location data regarding said user;

Means for ranking items in said collection according to expected utility; and means for updating said location data continuously.

14. The information handling system of claim 13, further comprising: means for filtering data in said collection to remove misleading data.

15. The information handling system of claim 13, further comprising: means for consolidating data in said collection to determine the most likely location of said user.

16. The information handling system of claim 13, wherein: said means for acquiring further comprises means for acquiring location data regarding more than one user; said means for creating further comprises means for creating collections of said location data regarding more than one user, organized by user; and said means for ranking further comprises means for ranking items in said collections regarding more than one user, according to expected utility.
17. The information handling system of claim 16, further comprising: means for filtering data in said collections to remove misleading data
18. The information handling system of claim 16, further comprising means for consolidating data in said collections to determine the most likely locations of said users.
19. An information handling system for handling location information, said information handling system comprising: means for ranking items in a collection of location data regarding a user, according to expected utility; and means for updating said location data continuously.
20. The information handling system of claim 19, further comprising: means for filtering data in said collection to remove misleading data.
21. The information handling system of claim 19, further comprising: means for consolidating data in said collection to determine the most likely location of said user.
22. The information handling system of claim 19, wherein: said means for ranking further comprises means for ranking items in collections of location data regarding more than one user, according to expected utility.

23. The information handling system of claim 22, further comprising: means for filtering data in said collections to remove misleading data.
24. The information handling system of claim 22, further comprising: means for consolidating data in said collections to determine the most likely locations of said users.
25. A computer-usable medium having computer-executable instructions, comprising:
Means for acquiring location data regarding a user from a plurality of location sources;
Means for creating a collection of said location data regarding said user;
Means for ranking items in said collection according to expected utility; and
means for updating said location data continuously.
26. The computer-usable medium of claim 25, further comprising: means for filtering data in said collection to remove misleading data.
27. The computer-usable medium of claim 25, further comprising: means for consolidating data in said collection to determine the most likely location of said user.
28. The computer-usable medium of claim 25, wherein: said means for acquiring further comprises means for creating collections of said location data regarding more than one user, organized by user; and said means for ranking further comprises means for ranking items in said collections regarding more than one user, according to expected utility.
29. The computer-usable medium of claim 28, further comprising: means for filtering data in said collections to remove misleading data.

30. The computer-usable medium of claim 28, further comprising: means for consolidating data in said collections to determine the most likely locations of said users.
31. A computer-usable medium having computer-executable instructions, comprising: means for ranking items in a collection of location data regarding a user, according to expected utility; and means for updating said location data continuously.
32. The computer-usable medium of claim 31, further comprising: means for filtering data in said collection to remove misleading data.
33. The computer-usable medium of claim 31, further comprising: means for filtering data in said collection to remove misleading data.
34. The computer-usable medium of claim 31, wherein: said means for ranking further comprises: means for ranking items in collections of location data regarding more than one user, according to expected utility.
35. The computer usable medium of claim 34, further comprising: means for filtering data in said collections to remove misleading data.
36. The computer-usable medium of claim 34, further comprising: means for consolidating data in said collections to determine the most likely locations of said means for consolidating data in said collections to determine the most likely locations of said users.

IX. Evidence Appendix

There is no evidence to be presented.

X. Related Proceedings Appendix

There are no related proceedings.